

REMARKS

Applicant respectfully requests that this Preliminary Amendment be entered in this case before the calculation of fees and before examination of the subject application.

Claims

Claims 1-28 have been canceled without prejudice or disclaimer of the subject matter therein. Applicant reserves the right to prosecute, in one or more patent applications, the canceled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification.

New claims 29-58 have been introduced. No new matter is added.

Support

Support for the new claims is either obvious, or is as described in the text below. Particularly, support for the recitation of "five single amino acid substitutions, deletions or additions" may be found, for example, at page 4, lines 20-21. Support for compositions of the isolated polypeptide which include an adjuvant recited in the claims may be found, for example, at page 13, lines 25-27. Support for the stringent hybridization conditions may be found, for example, at page 9, lines 10-14. Support for the recitation of sequence relatedness such as "wherein the first polynucleotide sequence is identical to SEQ ID NO:1, except that, over the entire length corresponding to SEQ ID NO:1, n_n nucleotides are substituted, inserted or deleted, wherein n_n satisfies the following expression

$$n_n \leq x_n - (x_n \cdot y)$$

wherein x_n is the total number of nucleotides in SEQ ID NO:1, y is at least 0.90, and wherein any non-integer product of x_n and y is rounded down to the nearest integer before subtracting the product from x_n " may be found in the specification, for example, at page 25, lines 11-30. No new matter is added.

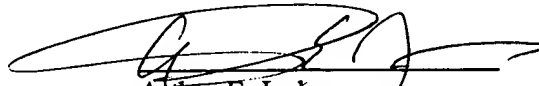
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Closing Remarks

Entry of this Preliminary Amended prior to calculation of fees and Examination and Allowance of the pending claims are respectfully requested.

Respectfully submitted,

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